

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT
1300 OAK STREET
KANSAS CITY, MISSOURI 64106**

DIVISION 1

**LISA WHITE HARDWICK, PRESIDING JUDGE
CYNTHIA MARTIN, JUDGE
GARY D. WITT, JUDGE**

DIVISION 2

**VICTOR C. HOWARD, PRESIDING JUDGE
THOMAS H. NEWTON, JUDGE
KAREN KING MITCHELL, JUDGE**

DIVISION 3

**GARY D. WITT, PRESIDING JUDGE
JAMES E. WELSH, JUDGE
ANTHONY REX GABBERT, JUDGE**

DIVISION 4

**ALOK AHUJA, CHIEF JUDGE, PRESIDING
MARK D. PFEIFFER, JUDGE
DALE YOUNGS, SPECIAL JUDGE**

ORAL ARGUMENT DOCKET - MAY, 2016

NOTICE TO COUNSEL

Enclosed is a copy of the Court's docket scheduling your case for argument. Please review this docket and the following information carefully. Please note the information below for each division:

DIVISION 1: THIS DIVISION WILL SIT ON MAY 19 AND 24, 2016 WITH ONE DOCKET CALL AT 9:00 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON MAY 5 AND 31, 2016 WITH DOCKET CALLS AT 9:00 A.M. AND 10:30 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON MAY 4 AND 25, 2016 WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON MAY 18, 2016 WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.

If you are not present for the docket call, your case will be submitted on the briefs. If you do not intend to orally argue a docketed case (whether the appellant or respondent), please notify this office immediately of that decision. Any respondent who has not filed a brief will not be permitted oral argument.

PLEASE NOTE THE FOLLOWING CHANGE IN ARGUMENT TIMES:

In most cases, counsel will be allowed a maximum of 10 minutes per side with an additional three minutes for rebuttal by the appellant. In cases designated as “expanded oral argument” preceded and followed by three asterisks, argument will be expanded to 15 minutes per side with an additional five minutes allowed for rebuttal by the appellant.

The Court may call upon counsel to announce the amount of time they intend to use when the docket is called. Please keep in mind that the judges on the panel will be familiar with the briefs. The Court views oral argument as an opportunity to focus on the points of difficult analysis rather than a forum to verbally rehash the entire brief. Therefore, the Court expects counsel to tailor their requests for time accordingly. Counsel should also remember that they are not required to use the total time reserved.

Cross appeals shall be treated as one case, and in such cases the plaintiff in the trial court shall be entitled to open and close the argument. **If there are multiple appellants or respondents, the parties will ordinarily be expected to divide among themselves the time allowed for an appellant or respondent.**

Original exhibits shall be deposited with the court on or before the date on which the parties file their opening briefs unless the court grants permission to submit them at a later time. Any exhibits not timely deposited may be considered by the court as immaterial to the issues on appeal. Rule 81.16. Unless deposited exhibits are removed from the custody of the clerk within 30 days after the case is finally decided, upon prior notice to the parties, they may be destroyed or disposed of by the clerk. Rule 81.16(d).

Opinions are issued each Tuesday morning. Motions for rehearing and/or transfer to the Supreme Court must be filed within fifteen (15) days after the opinion has been issued.

If you have any questions concerning the docket, please contact this office at 816-889-3600. If you have special needs addressed by the Americans with Disabilities Act, please notify this office at least one week prior to the date of oral argument.

Terence G. Lord, Clerk

DIVISION 4

ALOK AHUJA, CHIEF JUDGE, PRESIDING

MARK D. PFEIFFER, JUDGE

DALE YOUNGS, SPECIAL JUDGE

MAY, 2016

<p>IMPORTANT NOTE</p>

**THIS DIVISION WILL SIT ON MAY 18, 2016 WITH DOCKET
CALLS AT 9:00 AND 10:30 A.M.**

<p><u>PLEASE NOTE THE TIME OF YOUR ARGUMENT. THIS INFORMATION IS LOCATED AT THE TOP OF THE PAGE ON WHICH YOUR CASE IS LISTED.</u></p>
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**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

18-May-2016 09:00

DIVISION 4

Western District Ct of Appeals

1. WD78791

CLAY COUNTY CIRCUIT COURT

**KRETSINGER REAL ESTATE COMPANY, AND AMERICAN CENTRAL TRANSPORT, INC,
APPELLANTS
vs
TRIAD CONSTRUCTION COMPANY, INC, DEFENDANT; AND AMERISURE INSURANCE COMPANY,
RESPONDENT**

KRETSINGER REAL ESTATE COMPANY, Appellant
MICHAEL DALE HUFFT
PATRICK ERWIN WHITE
AMERICAN CENTRAL TRANSPORT, INC, Appellant
MICHAEL DALE HUFFT
TERESA MICHELLE YOUNG
PATRICK ERWIN WHITE
TRIAD CONSTRUCTION COMPANY, INC, Defendant
AMERISURE INSURANCE COMPANY, Respondent
MARTIN JOHN BUCKLEY
PETER G. COLLINS
ELAINE MARIE MOSS

2. WD78538

BUCHANAN COUNTY CIRCUIT COURT

**JOSEPHINE WILSON, APPELLANT; DONALD WILSON, PLAINTIFF,
vs
P.B. PATEL, M.D., P.C. AND ROHTASHAV DHIR, M.D., RESPONDENTS.**

JOSEPHINE WILSON, Appellant
HERBERT WILLIAM MCINTOSH
DONALD WILSON, Plaintiff
P B PATEL M.D., P.C., Respondent
B. K. CHRISTOPHER
ROHTASHAV DHIR M.D., Respondent
B. K. CHRISTOPHER

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

18-May-2016 09:00

DIVISION 4

Western District Ct of Appeals

3. WD79086

JACKSON COUNTY CIRCUIT COURT

**BRENDA KING, ET AL., APPELLANTS,
vs
AUTOMOBILE CLUB INTER-INS. EXCHANGE, RESPONDENT.**

BRENDA KING, Appellant

DAVID MATHEW MAYER

ROBERT ANTHONY THRASHER

MARGO KING, Appellant

DAVID MATHEW MAYER

ROBERT ANTHONY THRASHER

AUTOMOBILE CLUB INTER-INSURANCE EXCHANGE, Respondent

JOHN RICHARD WEIST

ROBERT J. LUDER

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**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

18-May-2016 10:30

DIVISION 4

Western District Ct of Appeals

1. WD78417 BENTON COUNTY CIRCUIT COURT

**STATE OF MISSOURI, RESPONDENT,
vs
LONNY LEROY MAYS, APPELLANT.**

LONNY L MAYS, Appellant
JONATHAN STERNBERG
STATE OF MISSOURI, Respondent
KAREN LOUISE KRAMER

Argument continued to June
29, 2016 at 2:00 p.m.

2. WD78807 COLE COUNTY CIRCUIT COURT

**JOAN BRAY, ET AL., APPELLANTS,
vs
MISSOURI DEPARTMENT OF CORRECTIONS, RESPONDENT.**

JOAN BRAY, Appellant
JUSTIN KEITH GELFAND
MISSOURI DEPARTMENT OF CORRECTIONS, Respondent
MICHAEL JOSEPH SPILLANE
STEPHEN DAVID HAWKE

3. WD78983 BOONE COUNTY CIRCUIT COURT
IN RE: GRAHAM KERSTING, RESPONDENT,

**vs
DWAYNE CAREY, BOONE COUNTY SHERIFF, DEFENDANT; SUPERINTENDENT RON REPLOGE,
MISSOURI STATE HIGHWAY PATROL, APPELLANT; DAN KNIGHT, BOONE COUNTY
PROSECUTOR, DEFENDANT.**

MISSOURI STATE HIGHWAY PATROL, Appellant
ANDREW JACOB CRANE
DAN KNIGHT, Defendant
MERILEE ANN CROCKETT
DWAYNE CAREY, Defendant
GRAHAM N KERSTING, Respondent
GEORGE ANTHONY BATEK
NANCY A MCKERROW
